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Attorneys for Defendant,
BRANT BLAKEMAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

CORY SPENCER, an individual;
DIANA MILENA REED, an individual;
and COASTAL PROTECTION
RANGERS, INC., a California non-
profit public benefit corporation,

Plaintiffs,

vs.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES
1-10,

Defendants.

CASE NO.: 2:16-CV-2129-SJO-RAO
Hon. S. James Otero, Ctrm. 10C

**DECLARATION OF RICHARD P.
DIEFFENBACH IN SUPPORT OF
DEFENDANT BRANT
BLAKEMAN'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

DATE: February 21, 2017
TIME: 10:00 a.m.
CTRM: 10C
1st Street Courthouse

Action Commenced: 3/29/2016
Discovery Cutoff: 8/17/17
Pretrial Conf.: 10/23/17
Trial Date: 11/7/2017

1 I, Richard P. Dieffenbach, declare and state:

2 1. I am a Senior Trial Attorney with Veatch Carlson LLP, counsel for
3 Defendant Brant Blakeman, in this matter. The following information is personally
4 known to me and if called as a witness I could and would competently so testify.

5 2. Since its filing this action has been brought to the public's attention
6 through multiple media reports, social media outreach efforts, websites, and the
7 California Coastal Commission's own website, soliciting public involvement.

8 3. Plaintiffs' counsel Hanson Bridgett posts a link on its website to a
9 questionnaire purporting to be on behalf of the California Coastal Commission, at the
10 link: <https://www.hansonbridgett.com/Pubs/lb/lunadabay.html>. A true and correct
11 copy of a screen shot of that entry is attached as Exhibit A, and a copy of the
12 Questionnaire is attached as Exhibit B.

13 4. Plaintiff Diana Milena Reed (full name Diana Milena Gabrielle Sophia
14 Beatrice Sharon Ada Grace Helen Smoluchowska-Miernik) has publicized the action
15 on Facebook under her pseudonym Diana Milena Sophia Gabriella. A true and
16 correct copy of a screen shot of that entry is attached as Exhibit C.

17 5. Numerous news stories about the lawsuit and Plaintiffs' efforts have been
18 posted by the Los Angeles Times and the Daily Breeze, and can be found using
19 "Lunada Bay Boys" as the entry in any search engine.

20 6. Plaintiff The "Coastal Protection Rangers", has publicized the action on
21 its Facebook and Twitter postings along with its donation requests. True and correct
22 copies of screen shots of those entries are attached as Exhibits D and E.

23 I declare under penalty of perjury under the laws of the United States that the
24 foregoing is true and correct and personally known to me and if called as a witness
25 I could and would competently so testify.

26 Executed January 12, 2017, at Los Angeles, California.

27
28

By: /s/ Richard P. Dieffenbach
RICHARD P. DIEFFENBACH

EXHIBIT A

Spencer v. Lunada Bay Boys, and the City of Palos Verdes Estates:

The ocean is not exclusive, as it does not know race, color, religion, gender, sexual orientation, zip code, or income.

On March 29, 2016, Hanson Bridgett filed *Spencer v. Lunada Bay Boys et al* – a class action civil rights lawsuit where we are fighting for open access to a public Southern California beach. Consistent with our efforts, on Friday, December 2, the California Coastal Commission initiated a survey of California beachgoers. Visit the Coastal Commission website to view their Public Access Questionnaire for Lunada Bay, and read on if:

- You have ever tried to access Lunada Bay or anywhere else in Palos Verdes Estates' 4.5 miles of shoreline, but were discouraged by the locals and/or the City and its police department; or
- You have avoided visiting Lunada Bay because of its reputation for localism or the City's response to outsiders' complaints.

Background

Lunada Bay is a public shoreline and beach, owned by the wealthy City of Palos Verdes Estates. Even though Lunada Bay is a public beach, it has earned a reputation as one of the surfing world's best-known areas for localism. Its trails are hidden, signage is sparse, and amenities to indicate it is a public beach are nonexistent. And for the last 40 years the primarily wealthy, middle-aged Lunada Bay locals (aka. Lunada Bay Boys, or Lunada Pirates) have threatened and injured any "outsiders" who attempt to access the City-owned shoreline and beach. They refer to non-Palos Verdes Estates residents as "riffraff," "trolls," "unlocals," "kooks," and "herms." Shockingly, during a recent Martin Luther King Day paddle out organized by visitors, some locals wore blackface and told visiting beachgoers "you don't make enough money to be here." (Torrance Daily Breeze)

Next, unlike most beaches, at Lunada Bay beachgoers don't even get a chance to make it to the water before they're hassled, threatened, harassed, or physically harmed. When visitors have complained, the local police department hasn't taken the complaints seriously. Overt discrimination exists too (read an account of a Lunada Bay local justifying his group's illegal action in the Torrance Daily Breeze).

Change Has Started

Since Hanson Bridgett filed the lawsuit on behalf of public beachgoers, the City (1) has taken action authorizing \$50,000 in

For more information, please contact the Lunada Bay team:

- Kurt A. Franklin
- Samantha Wolf
- Tyson Shower
- Landon Bailey
- Caroline Lee
- Jennifer Foldvary
- Candice Shih
- Laurel O'Connor
- Jerri Kay-Phillips

Lunada Bay Team Email
1-877-342-8766

Coastal Commission Links

- Coastal Commission Website
- Public Access Questionnaire for Lunada Bay

Documents Supporting Motion for Class Certification

LINK TO QUESTIONNAIRE

EXHIBIT B

California Coastal Commission User Group Study and Public Access Questionnaire for Lunada Bay in Palos Verdes Estates, Los Angeles County

The Coastal Commission is researching the experiences of visitors to the bluff top park, shoreline, and coastal area at Lunada Bay in Palos Verdes Estates, Los Angeles County. The purpose of the research is to gather information about the personal experiences of visitors who have accessed or attempted to access Lunada Bay and use that information to help address alleged threatening behavior and actions of individuals, so-called "locals", allegedly intended to interfere with, discourage or prevent broad public access to this area of the coast. If you have ever used any portion of the Lunada Bay bluff top park, shoreline or coastal area and experienced or witnessed such behavior or activity, or you have heard that Lunada Bay has a reputation as a place where visitors often experience threatening behavior, please take a few moments to complete the questionnaire.

Please note that Coastal Commission staff or representatives of visitors to Lunada Bay who have experienced harassment while accessing the coast may contact you directly for more information.

Name

Street Address, City, State, Zip

Mailing Address (if different)

Telephone (Home) (Work)

Email Address


Occupation

Age

1. Please describe the areas of your use: if needed, please reference the enclosed photograph.

Aerial view of Lunada Bay





2. Please describe the uses you have made of bluff top, shoreline, or coastal area. If you have multiple uses, add them in the Other column. For example, did you use the area for:

ocean viewing

swimming

fishing

socializing

kayaking

surfing

snorkeling

beach walking

Other:

3. Approximately how many times have you accessed the coast at Lunada Bay?

4. Did anyone ever interfere in any way with your use of the area? Or otherwise seek to discourage or prevent your use of the area? If so, please describe the incident or incidents:

5. Have you ever felt threatened accessing Lunada Bay? What lead you to feel threatened and why?

6. Have you observed individuals interfering with other visitors' use of the area?

7. Do you possess or know of the existence and/or whereabouts of items such as photographs, logs, diaries, notebooks, letters, etc. relating to behavior or activities of individuals intended to interfere with, discourage, or prevent use of Lunada Bay by visitors? If so, please describe the items and list the locations where such items can be found:

8. Whether or not you have been to Lunada Bay, have you ever avoided visiting the Lunada Bay bluff top, shoreline, or coastal area because you had heard that it has a reputation as a place where visitors may be subjected to threatening behavior by "locals" or others? If so, (a) what did you hear, (b) when did you first hear about the threatening behavior, and (c) from whom did you learn this information?


The information contained in this questionnaire is subject to public disclosure and will not be kept confidential unless requested by the signatory in writing. For more information about this questionnaire, please contact the South Coast District Office of the Coastal Commission at (562) 590-5071. Thank you for your participation in this Questionnaire and your interest in preserving public access to the California coast.

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Google Forms

EXHIBIT C

 Diana Milena Sophia Gabriella

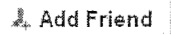


 Richard

Home 20+



Diana Milena Sophia Gabriella Timeline Recent



 Intro

Filmmaker. Photographer. Surfer. I love traveling the world and exploring the great outdoors.



Diana and 9 of your friends have a bio and featured photos. Add them to your

[Add Info](#)

 4



Write a comment.



Diana Milena Sophia Gabriella

October 5, 2016 The Inertia

The Inertia video of my interview came out yesterday. I hope that there will be an end to the harassment and violence at Lunada Bay and it can become a safe place for all people to enjoy!



Both Sides of the Lunada Bay Lawsuit Speak Out


 Chat (10)

EXHIBIT D



Coastal Protection Rangers

@CoastalProtectionRangers

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Coastal Protection Rangers

January 5 at 11:12pm

<http://www.scpr.org/.../court-documents-reveal-foiled-sting-.../>



Court documents reveal foiled sting operation on Lunada Bay Boys

Locals only! Never has that phrase been more appropriate than in Lunada Bay on the Palos Verdes Peninsula.

SCPP.ORG | BY SOUTHERN CALIFORNIA PUBLIC RADIO

EXHIBIT E

Coastal Rangers (@coastalra... x +

Twitter, Inc. (US) | https://twitter.com/coastalranger1

Attorney Search CRN-Farmers Google LA Court Summaries VA Form Westlaw Next Yahoo

Home Moments Search Twitter Have an account? Log in



TWEETS 18 FOLLOWING 121 FOLLOWERS 23 LIKES 15

Follow

Coastal Rangers

@coastalranger1

Coastal Protection Rangers (CPR) - A Southern California based non-profit organization dedicated to protecting the shorelines and water ways of the US.

- Hermosa Beach, CA
- Coastalprotectionrangers.org
- Joined May 2016

Tweets Tweets & replies Media

Coastal Rangers Retweeted



TravelSurfer @LunadaBayClass · Jan 11

Surfer Invites Public to Lunada Bay Protest Gathering on MLK Day | The Inertia #freethebeach #surfequity #lunada

